



STATE OF NEW JERSEY

Board of Public Utilities

Two Gateway Center

Newark, NJ 07102

www.bpu.state.nj.us

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
COMCAST CABLEVISION OF OCEAN)
COUNTY, INC. FOR A CERTIFICATE)
OF APPROVAL TO CONTINUE TO)
CONSTRUCT, OPERATE AND MAINTAIN A)
CABLE TELEVISION SYSTEM IN AND FOR)
THE BOROUGH OF MANTOLOKING,)
COUNTY OF OCEAN, STATE OF NEW)
JERSEY)

RENEWAL CERTIFICATE OF APPROVAL

DOCKET NO. CE03010022

SERVICE LIST ATTACHED

BY THE BOARD:

On April 30, 1982, the Board granted Crosswicks Industries, a cable television subsidiary of Times Mirror Company ("Times Mirror"), a Certificate of Approval in Docket No. 8012C-6737, for the construction, operation and maintenance of a cable television system in the Borough of Mantoloking ("Borough"). On February 4, 1985, the Board approved the transfer of the Certificate of Approval from Times Mirror to Mesa Community Cable Television, Inc. d/b/a Storer Cable Communications ("Mesa"), in Docket No. 8411C-7103. On September 1, 1988, the Board approved the transfer of the Certificate of Approval from Mesa to Storer Communications of Ocean County, Inc. d/b/a Storer Cable Communications in Docket No. CM88060717. On February 18, 1994, in Docket No. CE92030351, the Board issued a Renewal Certificate of Approval to Storer, which subsequently changed its name to Comcast Cablevision of Ocean County, Inc. ("Petitioner"), to continue to provide cable television to the Borough. The Petitioner is now known as Comcast of Ocean County, LLC. Although the Petitioner's above referenced Certificate expired on April 30, 2002, it is authorized to continue to provide cable television service to the Borough pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on July 26, 2001, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. On September 16, 2002, after public hearing, the Borough adopted an ordinance granting renewal municipal consent to the Petitioner. On December 10, 2002, the Petitioner accepted the terms and conditions of the ordinance, in accordance with N.J.S.A. 48:5A-24.

On January 9, 2003, pursuant to N.J.S.A. 48:5A-16, Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board **HEREBY FINDS** the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, these qualifications were reviewed by the Borough in conjunction with the municipal consent process.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is fifteen years. The Board finds the duration to be reasonable.
5. The Borough has reserved the right to review the performance of the Petitioner with regard to the ordinance and seek redress administratively through the Board. If the Borough determines that the Petitioner has failed to substantially comply with the material terms and conditions of the ordinance, the Borough shall provide written notice to the Petitioner of such alleged instances of non-compliance and shall grant the Petitioner 60 days to cure such deficiency. If the Petitioner does not cure the deficiency, the Borough may petition the Board for appropriate administrative action, including revocation of the franchise or reduction of the franchise term.
6. The Petitioner shall provide service along any public right of way to any person's residence or business located in all areas of the franchise territory at standard and non-standard installation rates, as indicated. For all other areas, the Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "I"). The minimum homes per mile ("HPM") figure is 35.
7. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates, and promptly file any revisions thereto.
8. Pursuant to statutory requirements, the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Borough. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with the applicable rules.
9. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. The Petitioner currently maintains a local office located at: 751 Brick Boulevard in Brick, New Jersey.
10. The franchise fee to be paid to the Borough is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Borough. Additional

regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.

11. The Petitioner has agreed to provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application and the ordinance. Specifically, the Petitioner currently provides one system-wide channel for public access and one system-wide channel for leased access. The Petitioner shall continue to provide a dedicated municipal access channel maintained by the company for use by the Borough for the cablecasting of PEG programming.
12. The Petitioner maintains equipment for the production of access programming.
13. The Petitioner has reached an agreement with the Borough and the Borough of Point Pleasant Beach, to provide a grant to the Point Pleasant Beach High School in the amount of \$30,000.00 on behalf of both municipalities and shall pay to the Borough a one-time capital contribution in the amount of \$10,000.00 in order to support technology initiatives.
14. The Petitioner shall continue to provide free basic service on one outlet in each public and private elementary and secondary school in the Borough that is located in or may be constructed within the Borough, provided the facility is within 200 feet of active cable distribution plant.
15. The Petitioner shall continue to provide free basic service on one outlet to the following municipally owned properties: a) the municipal building; b) the community center; c) fire department; d) first aid squad; e) library; f) and public works building that is located in or may be constructed within the Borough, provided the facility is within 200 feet of active cable distribution plant.
16. Upon written request of the Borough, the Petitioner shall appear, at least once annually, at a public meeting of the governing body or its designees, to discuss matters pertaining to the provision of cable service to the residents of the Borough and other related issues.

Based upon these findings, the Board **HEREBY CONCLUDES** that, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has the municipal consent necessary to support the petition, that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq., that the Petitioner has complied or is ready to comply with all applicable rules and regulations imposed by or pursuant to State and federal law as preconditions for engaging in the proposed cable television operations, that the Petitioner has sufficient financial and technical capacity, meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment, and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is **HEREBY ISSUED** this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges

granted herein. The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. §76.1 et seq. including but not limited to, the technical standards 47 C.F.R. §76.601 through §76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or the Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire April 30, 2017.

DATED: October 10, 2003

BOARD OF PUBLIC UTILITIES
BY:

(signed)

JEANNE M. FOX
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

(signed)

CAROL J. MURPHY
COMMISSIONER

(signed)

CONNIE O. HUGHES
COMMISSIONER

(signed)

JACK ALTER
COMMISSIONER

ATTEST:

(signed)

KRISTI IZZO
SECRETARY

SERVICE LIST

Janice Manganello, Esq
Stryker, Tams & Dill
Two Penn Plaza East
Newark, NJ 07105

Irene H. Ryan,
Borough Clerk,
Borough of Mantoloking,
PO Box 247
Mantoloking, NJ 08738

Robert Clifton
Comcast
830 Highway 37 West
Toms River, NJ 08755

Celeste M. Fasone, Director
Office of Cable Television
Two Gateway Center
Newark, NJ 07102

Nancy J. Wolf
Coordinator, State and Local Planning, South
Office of Cable Television
Two Gateway Center
Newark, NJ 07102